

## **Sec. 94.198. OWP wellhead protection district.**

### **(A). *Statement of intent.***

The OWP district is intended to protect from contamination the groundwater recharge zone of the village's existing and planned municipal groundwater wells, which wells supply the potable water to the village's many residential, business, institutional and other utility customers. This district is necessary because the water utility by geological necessity must draw its water from the ground levels lying closest to the surface, which grounds contain soil types that rapidly transmit pollutants, thereby threatening the entire groundwater supply being drawn upon by the municipal wellhead.

### **(1). *Supremacy of this district.***

The choice of regulation employed via this overlay district is to entirely prohibit certain uses that otherwise may be permitted by basic and other overlay districts falling within the confines of this overlay district. The regulations of this district shall supersede the regulations of all other such districts occupying the same geographic area.

### **(2). *Uses prohibited.***

The uses prohibited by this district have been identified in geologic surveys as risks for groundwater contamination. This method of regulation by complete prohibition is employed to provide the greatest assurance that inadvertent discharge of pollutants into the groundwater supply will not occur, since groundwater cleanup is often prohibitively expensive, and liability for such cleanup is often hard or impossible to establish.

### **(3). *Use list not exhaustive.***

The uses prohibited by this district represent the state of present knowledge and most common description of such uses. As other polluting uses are discovered, or other terms of description become necessary, it is the intention to add them to the list of uses prohibited by this district. To screen for such other uses or terms for uses, no use shall be permitted in this district without first submitting its building, site and operational plans for planning commission review and approval under article V of this chapter.

### **(4). *Changing technology.***

The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by that class of uses, which technology causes the uses as a class to be groundwater pollution risks. As the technology of identified use classes changes to nonrisk materials or methods, upon petition from such a use, and after conferring with expert geological and other opinion, it is the intention to delete from the prohibited list, or allow conditionally, uses that demonstrate convincingly that they no longer pose a pollution hazard.

(5). *Substitution of hazards prohibited.*

In dealing with uses or classes of uses that attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their methods of storage or handling, for example transferring materials storage from leakprone but explosion-resistant underground tanks, to leak-resistant but explosion-vulnerable aboveground vessels, it is not the intention to accept such alternate hazards as the basis for making a use permissible. It is the intention to continue the ban on such uses until the technology of the class of uses removes reliance upon the pollutant materials or processes.

(B). *Permitted uses by right.*

All uses permitted by underlying basic or other overlay zones are permitted, subject to review of the building, site and operational plans of such uses by the planning commission pursuant to article V of this chapter, whether required or not by the underlying and other overlay districts, except the following uses, which are specifically prohibited by this district:

List of Prohibited Uses

- (1) Animal waste storage areas and facilities.
- (2) Asphalt ingredients storage or processing plants.
- (3) Automobile or truck fuel sales or service stations.
- (4) Cemeteries.
- (5) Chemical storage, sales, processing or manufacturing plants.
- (6) Dry cleaning establishments.
- (7) Electronic circuit manufacture or assembly plants.
- (8) Electroplating operations.
- (9) Exterminating supply, storage or application shops.
- (10) Fertilizer manufacturing or storage operations.
- (11) Foundries and forge plants.
- (12) Garages for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding if not on village sewer and water systems.
- (13) Industrial liquid waste storage areas.
- (14) Junk/recycling yards, motor vehicle salvage yards.
- (15) Landfills, areas for dumping or disposal of garbage, refuse, trash or demolition material.
- (16) Metal reduction and refinement plants.
- (17) Mining operations.
- (18) Motor and machinery service and assembly shops if not on village water and sewer systems.
- (19) On-site soil absorption sewage treatment systems on new lots under 40,000 square feet.
- (20) Paint products manufacturing.
- (21) Petroleum products storage or processing.

- 22) Photography studios, involving the developing of film or pictures.
- (23) Plastics manufacturing.
- (24) Printing and publishing establishments.
- (25) Pulp and paper manufacturing.
- (26) Septage and municipal sewage sludge disposal sites.
- (28) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.

(C). *Permitted accessory uses.*

All accessory uses permitted by the underlying basic or other overlay zones are permitted, subject to review of the building, site and operational plans of such uses by the planning commission pursuant to article V of this chapter, whether required or not by the underlying and other overlay districts, except those uses prohibited in subsection (a) of this section, which are hereby prohibited whether judged to be principal or accessory uses.

(D). *Uses permitted by conditional grant.*

Any class of uses prohibited by this district may become a use permitted by right, or an individual use within a class potentially may be permitted by conditional grant pursuant to subsection (a)(4) of this section. However, the planning commission shall not favorably recommend to the board a petition to remove a use from the prohibited list of this district, nor favorably process a petition for conditional use status, notwithstanding any of the provisions of article VI of this chapter, without being sure beyond a reasonable doubt that the action will not materially violate the intent of this district, resulting in exposure of the public water supply to pollution.

(Ord. of 11-18-1991)